

RECEIVED
CENTRAL FAX CENTER

JAN 28 2008

REMARKS

This is in response to the Official action dated 27 November 2007.

Election/Restrictions

The sole issue raised by the Examiner is that restriction is required under 35 U.S.C. 121 and 372.

Specifically, the Examiner alleges that the application contains two inventions, and under 37 CFR 1.499 applicant is required to elect a single invention from a Group I, claims 1-8 drawn to a process and a Group II, claims 9-14 drawn to an apparatus.

More specifically, the Examiner alleges that Groups I and II do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical features, because the claims of Group I do not require the use of a liquid feed flow controller, as required by the claims of Group II.

Applicant hereby elects group II, claims 9-14 with traverse.

This requirement is traversed on the basis that the claims of Group II are directed to an apparatus for controlling the dissolved gas content of an aqueous liquid containing dissolved gas, and the claims of Group I are directed to a method for controlling the dissolved gas content of an aqueous liquid containing dissolved gas.

Clearly, both Group I and Group II are directed to the same single inventive concept ie a method for controlling the dissolved gas content of an aqueous liquid containing dissolved gas and an apparatus therefor.

Granted, the process claims of Group I do not specifically require a liquid feed flow controller. However, applicant is unaware of any requirement that a process claim specify any apparatus components that may be required to effect the defined process steps.

With respect to an election of species, applicant also traverses this requirement. In the absence of any guidance from the Examiner as to what he considers to be more than a single species, it is applicant's position that all of the claims of Group II are directed to a single species